IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.19818 OF 2006

Date of decision : December 14, 2006

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Vijay Kumar .....Petitioner

Vs.

U.T Chandigarh Administration & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Amit Jhanji, Advocate for the petitioner(s).

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Viney Mittal, J. (Oral)

The petitioner has challenged the cancellation orders, whereby the Transit Site allotted to the petitioner in Rehabilitation Colony, Sector 52, U.T, Chandigarh has been ordered to be cancelled. Additionally the petitioner has challenged the appellate as well as the revisional orders, whereby the appeal and the revision filed by the petitioner have been dismissed.

It appears from the record that the transit site allotted to the petitioner has primarily been cancelled on account of unauthorised construction raised by the petitioner. It has specifically been averred by the petitioner in the present petition that after the dismissal of the appeal filed by the petitioner, he has removed the entire unauthroised construction and as of today no unauthorised construction remains at the site.

Keeping in view the aforesaid averments made in the present petition, we dispose of the present petition with a liberty to the petitioner to approach the Assistant Estate Officer, U.T., Chandigarh (exercising the powers of the Estate Officer) with a detailed and comprehensive representation by appending all the relevant documents within a period of 4 weeks from the date a certified copy of this order is received. On the receipt of the aforesaid representation, the Assistant Estate Officer shall hold an enquriy into the matter and if it is found, that the unauthorised construction raised by the petitioner has already been removed and no unauthorised construction remains at the site then the cancellation order dated January 7, 2003 qua the petitioner shall be treated to be nonest. However, if the unauthorised construction still remains at the site then the present petition shall be deemed to have been dismissed and in such a situation, the cancellation order shall stand revived. Needless to say that if the cancellation order is treated as nonest, the appellate/revisional orders shall also become non-operative.

Till the matter is finally decided by the Assistant Estate Officer, the petitioner shall not be ordered to be evicted from the site in question.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

December 14, 2006
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(H.S BHALLA)
JUDGE